

INFORMATION SHEET 7.5



VOLUNTEERS AND CONTRACTS

THE LEGAL STATUS OF VOLUNTEERS

Volunteers are not covered by the same regulations as paid staff. However, whilst volunteers do not have many legal rights, it is important to avoid practices that could be seen as unfair or discriminatory.

CONTRACTS

It is essential that organisations do not treat volunteers in a manner which may suggest the existence of a 'contract'. A contract is not simply a written statement or document, but is more a description of the relationship between the volunteer and the organisation. If it is deemed that a contract is in existence then volunteers can be covered by the National Minimum Wage Act and have the same rights as employees.

A contract may be seen to be in existence where:

- Volunteers receive income, financial or otherwise, in return for work. This can include non-essential training and some expenses.
- Volunteers receive perks as part of their volunteering role.
- Obligations such as strict time commitments are placed on volunteers and sanctions are introduced. In most situations it is fine to outline 'reasonable expectations' and state that volunteers are free to leave at any time.
- Contractual language is used, such as the words 'contract', 'work', 'job', and 'payment' (rather than 'agreement', 'volunteer role' and 'expenses').

Organisations are recommended to make it clear they do not intend to create a contract.

In your Volunteer Agreement you may wish to include a statement such as 'This agreement is not intended to be a legally binding contract and may be cancelled at any time at the discretion of either party'.

GENERAL ADVICE

In order to create clear distinctions between paid staff and volunteers you should introduce policies and procedures unique to volunteers such as those relating to recruitment, supervision, and problem solving. Obviously this does not mean that volunteers should be treated with any less respect and consideration than paid staff.

Treating volunteers fairly and developing good practice procedures for dealing with problems will also help your organisation to avoid any future legal issues.

RELATED DOCUMENTS

- 7.1 Developing a Volunteer Policy
- 7.2 Writing Volunteer Role Descriptions
- 7.3 Insurance for Volunteers
- 7.4 Volunteer Support and Supervision Meetings
- 7.6 Writing a Problem Solving Procedure

For more information about volunteering contact VODA's Volunteer Centre on 0191 643 2639 or email volunteering@voda.org.uk.

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